



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

009629
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TM02/0409

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
09/211,582	05/14/99	059	PATEL, J	2164 04/09/01
First Named Applicant	ALAI, 35 USC 154(b) term ext. = 0 Days.			

TITLE OF INVENTION METHOD AND SYSTEM FOR MAINTAINING THE INTEGRITY OF ELECTRONIC AUCTIONS USING A CONFIGURABLE BID MONITORING AGENT

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
2	046700-5004-	705-037.000	E72 UTILITY	NO	\$1240.00	07/09/01

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.

THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.

HOW TO RESPOND TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give application number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PATENT AND TRADEMARK OFFICE COPY

Notice of Allowability

Application No.

09/311,582

Applicant(s)

Alaia et al.

Examiner

Jagdish Patel

Group Art Unit

2164



All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

☒ This communication is responsive to 1/3/01

☒ The allowed claim(s) is/are 79, 81, 83, 85-88, 93-95, 98, 100, 106-108, 111, 113, and 115-156

☐ The drawings filed on _____ are acceptable.

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

☒ Applicant MUST submit NEW FORMAL DRAWINGS

☐ because the originally filed drawings were declared by applicant to be informal.

☒ including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. 4

☐ including changes required by the proposed drawing correction filed on _____, which has been approved by the examiner.

☐ including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

☐ Interview Summary, PTO-413

☐ Examiner's Amendment/Comment

☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

☒ Examiner's Statement of Reasons for Allowance

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DETAILED ACTION

Response to Amendment

1. This communication is in response to the applicant's amendment filed 1/3/01.
2. Claims 79, 81, 83, 93-95, 98, 106-108 and 111 have been amended and new claims 115-156 have been added and Claims 77-78, 80, 82, 84, 89-92, 96-97, 99, 101-105, 109-110, 112 and 114 have been canceled.

Allowable Subject Matter

3. Claims 79, 81, 83, 93-95, 98, 100, 106-108, 111, 113 and 115-156 are allowed.
4. The following is an examiner's statement of reasons for allowance:

Claims pertain to a method or apparatus (system or computer program product) of limiting bids in an electronic auction. Closest prior art, US Patent 5,862,223 to Walker et al., US Pat. 5,835,896 to Fisher et al. and US Pat. 6,058,379 to Odom et al. fail to teach or suggest a method or apparatus that limits bids in an online auction having the following features:

- determining whether a bid (from a bidder) is better than a previous bid by the bidder by at least a predefined positive amount (claims 79, 123-124),
percentage
- determining whether a bid (from a bidder) is better than or meets a threshold defined by a historical lot price (claims 81 and 107),
- determining whether a bid (from a bidder) is better than a market leading bid by at least a predefined positive percentage (claims 83, 106, 125-126, 133-135).

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-- determining whether a bid for a lot from a bidder passes a fail-safe criteria which comprises:

---determining whether the bid is better than a previous bid by at least one of a predefined positive percentage and a predefined positive price (claims 93, 95, 127-132, 146-149, 153-155),

---Comparing the bid to a threshold defined by a historical price for the lot and determining whether the bid is better than the threshold by at least one of a predefined percentage and a predefined price (claim 94, 108, 136-138, 150-152),

-- removing a first bid from a plurality of bids in accordance with a determination that the first bid is erroneous bid and receiving a second bid for a lot based on the first bid (claim 98, 100, 111, 113, 156),

--if a bid is erroneous, deleting the erroneous bid and any consequential bids of the erroneous bid from the auction (claim 115-120),

--displaying current bids in an online auction to the bidder, wherein an erroneous bid and a bid submitted from the bidder in response to the erroneous bid are both removed (claim 121, 122).

A bidding device operated by a bidder during an electronic auction comprising the following feature:

-- the auction determines whether a current bid is better than the previous bid by the bidder by at least a predefined positive percentage (claim 139-141),

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-- the auction determines whether the current bid meets a threshold defined by a historical lot price (claims 142-145),

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Prior Art Cited

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fisher et al. (US Patent 5,835,896) teaches a system and method for an online auction involving bids for merchandise in lots.

Walker et al. (US Pat. 5,794,207) teaches a bilateral buyer-driven auction.

Odom et al. (US Pat. 6,058,379) teach a method for real-time network exchange with seller specified exchange parameters and interactive seller participation.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jagdish Patel whose telephone number is (703) 308-7837. The examiner can normally be reached Monday-Thursday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1065.

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The fax number for Formal or Official faxes to Technology Center 2700 is (703) 308-9051 or 9052. Draft or Informal faxes for this Art Unit can be submitted to (703) 308-5397.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

JNP 04/04/01



VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100